

REMARKS

Claims 10-25 are pending in this application. Claims 1, 24, and 25 are amended herein.. Support for the amendments to the claims may be found in the claims as originally filed and, in particular, in claim 10. This amendment is believed to place the application in condition for allowance, and entry therefore is respectfully requested. In the alternative, entry of this amendment is requested as placing the application in better condition for appeal by, at least, reducing the number of issues outstanding. Further reconsideration is requested based on the foregoing amendment and the following remarks.

Response to Arguments:

The Applicant appreciates the consideration given to the arguments. The Applicant, however, is disappointed that the arguments were not found to be persuasive. The final Office Action asserts in section 4, at page 3, that:

Roberts clearly disclosed that the engine ***"also applies various operator level policies"*** (see par. 0027).

Since, as noted in the final Office Action, the Real-time Rating Engine also applies various *operator* level policies such as discounting, mark-up, taxation, etc, Roberts has no "policy function which controls both the charge metering points and the charging points by using predefined rules," as recited in claim 10.

Instead, in Roberts, the Real-time Rating Engine provides a single point for all rating and tariffing data, including such capabilities as voucher management and advice of charge. In particular, is described at paragraph [0027]:

Real-time Rating Engine (2) provides the single point for all rating and tariffing data including such capabilities as voucher management and advice of charge. Advantageously, the real time rating engine is incorporated within the unified payment function. This engine also applies various operator level policies such as discounting, mark-up, taxation, etc.

Since, in Roberts, the Real-time Rating Engine provides the single point for all rating and tariffing data, including such capabilities as voucher management and advice of charge, Roberts has no "policy function which controls both the charge metering points and the charging points by using predefined rules," as recited in claim 10.

The final Office Action asserts further in section 4, at page 3, that:

These policies instruct the system to apply discounts, apply mark-up, taxation, etc.

Since, as noted in the final Office Action, the various *operator* level policies applied by the Real-time Rating Engine instruct the system to apply discounts, apply mark-up, taxation, etc, Roberts has no “policy function which controls both the charge metering points and the charging points by using predefined rules,” as recited in claim 10.

The Real-time Rating Engine of Roberts, rather, simply *accepts* charging events with relevant data from the merchant and returns the value to be charged to the customer. In particular, is described at paragraph [0027]:

Its function is to accept charging events with relevant data (such as time of day, event type, subscriber, merchant, possibly dollar value) and return the value to be charged to the customer along with any details about charges to be applied to other accounts e.g. merchant for revenue share.

Since, in Roberts, the Real-time Rating Engine simply accepts charging events with relevant data from the merchant and returns the value to be charged to the customer, Roberts has no “policy function which controls both the charge metering points and the charging points by using predefined rules,” as recited in claim 10.

Finally, the final Office Action asserts in section 4, at page 3, that:

Thus, Roberts clearly disclosed of “a policy” to instruct the network elements to produce call detail records (paragraph 0049-0050) (i.e., *telling the network element to generate billing data*) and to forward the CDRs to a rating function (i.e., billing system, paragraph 0054) for determining charges (i.e., *telling the system where to send the CDRs*)

Even if, however, instructing network elements to produce call detail records, or telling a network element to generate billing data, amounted to “a policy,” that would still not amount to a “policy function which controls both the charge metering points and the charging points by using predefined rules,” as recited in claim 10. In Roberts, rather, the elements produce CDRs as required for audit, reconciliation, marketing etc purposes, not for controlling “both the charge metering points and the charging points by using predefined rules,” as recited in claim 10. In particular, as described at paragraph [0049]:

All elements produce CDRs as required for audit, reconciliation, marketing etc purposes.

Since, in Roberts, the elements produce CDRs as required for audit, reconciliation, marketing etc purposes, Roberts has no "policy function which controls both the charge metering points and the charging points by using predefined rules," as recited in claim 10.

The database of Roberts, finally, has to forward to the rating function to determine the amount an account to be charged. In particular, is described at paragraph [0054]:

3) Database forwards to rating function to determine amount and account(s) to be charged.

Since, in Roberts, the database forwards to the rating function to determine the amount and account to be charged, Roberts has no "policy function which controls both the charge metering points and the charging points by using predefined rules," as recited in claim 10.

Still, in the interest of compact prosecution only, and not for any reason of patentability, claim 10, for example, has been amended to recite "data being produced for a user being transmitted via a number of metering points."

In the claimed invention, a policy may be used for a plurality of metering points. Consequently, billing can be done for more complex networks, where data is transmitted via a number of metering points, and the policy may control these metering points. Roberts, on the other hand, does not show that a policy function controls a plurality of charge metering points, whereby "data being produced for a user being transmitted via a number of metering points." In Roberts, rather, the set of rules triggers the rules within the gateway serving node (GGSN). Consequently, the rules do not only apply to a plurality of metering points.

Further reconsideration is thus requested.

Objections to the Claims:

Claim 10 was objected to for an informality. Claim 10 was amended in substantial accord with the Examiner's suggestion. The Examiner's suggestion is appreciated. Withdrawal of the objection is earnestly solicited.

Claim Rejections - 35 U.S.C. § 102:

Claims 10-24 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication No. 2003/0152039 to Roberts et al. (hereinafter "Roberts"). The rejection is traversed to the extent it would apply to the claims as amended. Reconsideration is earnestly

solicited.

The fourth clause of claim 10 recites:

Data being produced for a user being transmitted via a number of metering points.

Roberts neither teaches, discloses, nor suggests “data being produced for a user being transmitted via a number of metering points,” as recited in claim 10. The real-time in-line packet analyser of Roberts, rather, which handles the usage based aspects of the tariff regime, is conveniently incorporated in the *GGSN*. In particular, as described at paragraph [0028]:

Real-time in-line packet analyser (3) handles the usage based aspects of the tariff regime. This function appeal to both the previous two components to determine both the price of any particular packets and whether the user has the credit to allow the interaction to proceed and if not to stop the session. As indicated in the drawing, the packet analyser is conveniently incorporated in the *GGSN* (gateway serving node)). interface into the financial institutions or mcommerce enabler (4) offers credit/debit card capabilities.

Since, in Roberts, the real-time in-line packet analyser is conveniently incorporated in the *GGSN*, Roberts has no “data being produced for a user being transmitted via a number of metering points,” as recited in claim 10.

In Roberts, moreover, destination charging rules are provisioned in the *GGSN*. In particular, as described at paragraph [0058]:

We achieve this in the packet domain through use of destination charging rules provisioned in the *GGSN*.

Since, in Roberts, destination charging rules provisioned in the *GGSN*, Roberts has no “data being produced for a user being transmitted via a number of metering points,” as recited in claim 10.

In Roberts, moreover, rules *within* the *GGSN* will be triggered and this will result in different charging rates being applied. In particular, as described further at paragraph [0058]:

Where charging is related to content or application, rules within the *GGSN* will be triggered and this will result in different charging rates being applied.

Since, in Roberts, rules within the *GGSN* will be triggered and this will result in different charging rates being applied, Roberts has no “data being produced for a user being transmitted via a number of metering points,” as recited in claim 10.

The final clause of claim 10 recites:

A policy function which controls both the charge metering points and the charging points by using predefined rules.

Roberts neither teaches, discloses, nor suggests "a policy function which controls both the charge metering points and the charging points by using predefined rules," as recited in claim 10. In Roberts, rather, rules *within* the gateway serving node (GGSN) will be triggered, resulting in *different* charging rates being applied, instead of "using predefined rules," as discussed above.

Since, in Roberts, rules within the gateway serving node (GGSN) will be triggered resulting in different charging rates being applied, Roberts has no "policy function which controls both the charge metering points and the charging points by using predefined rules," as recited in claim 10.

In Roberts, moreover, the *store* has the set of rules, not "a policy function" as recited in claim 10. In particular, is described at paragraph [0014]:

According to another aspect of the invention there is provided apparatus for billing a communications network user for goods or services associated with the transport of packet traffic from that communications network into a packet communications network, the apparatus comprising: means for providing each packet with an address, a store having a set of rules, and a packet analyzer for determining from said rules and each packet address, a respective billing tariff and account for that packet.

Since, in Roberts, the store has the set of rules, Roberts has no "policy function which controls both the charge metering points and the charging points by using predefined rules," as recited in claim 10.

In Roberts, moreover, the rules are based on the *destination* of the service as described by URL or IP address and port number of the server, rather than being "predefined" as recited in claim 10. In particular, is described at paragraph [0021]:

The finer grained charging information is achieved via the analysis of packets, preferably at the GGSN. This is coordinated with the service being accessed via configuring rules based on the destination of the service as described by URL or IP address and port number of the server.

Since, in Roberts, the rules based on the destination of the service as described by URL or IP address and port number of the server, Roberts has no "policy function which controls both the

charge metering points and the charging points by using predefined rules," as recited in claim 10.

Finally, in Roberts, the Real-time Rating Engine simply *accepts* charging events with relevant data (such as time of day, event type, subscriber, merchant, possibly dollar value) from the merchant and returns the value to be charged to the customer, rather than controlling anything "using predefined rules" as recited in claim 10. In particular, is described at paragraph [0027]:

Its function is to accept charging events with relevant data (such as time of day, event type, subscriber, merchant, possibly dollar value) and return the value to be charged to the customer along with any details about charges to be applied to other accounts e.g. merchant for revenue share.

Since, in Roberts, the Real-time Rating Engine simply accepts charging events with relevant data (such as time of day, event type, subscriber, merchant, possibly dollar value) from the merchant and returns the value to be charged to the customer, Roberts has no "policy function which controls both the charge metering points and the charging points by using predefined rules," as recited in claim 10. Claim 10 is submitted to be allowable. Withdrawal of the rejection of claim 10 is earnestly solicited.

Claims 11-23 depend from claim 10 and add further distinguishing elements. Claims 14 and 20, for example, recite:

The policy function monitors predefined call-charge thresholds relating to the at least one service, the call-charge thresholds being monitored simultaneously with performance of the at least one service.

Roberts neither teaches, discloses, nor suggests "the policy function monitors predefined call-charge thresholds relating to the at least one service, the call-charge thresholds being monitored simultaneously with performance of the at least one service," as recited in claims 14 and 20. Roberts, in fact, mentions no call-charge thresholds at all, let alone "predefined call-charge thresholds," as recited in claims 14 and 20. Claims 11-23 are thus also submitted to be allowable. Withdrawal of the rejection of claims 11-23 is also earnestly solicited.

Claim 24:

The first clause of claim 24 recites:

Data being produced for a user being transmitted via a number of metering points.

Roberts neither teaches, discloses, nor suggests "data being produced for a user being transmitted via a number of metering points," as discussed above with respect to the rejection of claim 10.

The final clause of claim 24 recites:

A policy function which controls both charge metering points and charging points by using predefined rules.

Roberts neither teaches, discloses, nor suggests "a policy function which controls both charge metering points and charging points by using predefined rules," as discussed above with respect to the rejection of claim 10. Claim 24 is thus submitted to be allowable, for at least those reasons discussed above with respect to the rejection of claim 10. Withdrawal of the rejection of claim 24 is earnestly solicited.

Claim 25:

The first clause of claim 25 recites:

Transmitting data produced for a user via a number of metering points.

Roberts neither teaches, discloses, nor suggests "transmitting data produced for a user via a number of metering points," as discussed above with respect to the rejection of claim 10.

The final clause of claim 25 recites:

Controlling both the metering points and the charging points using predefined rules.

Roberts neither teaches, discloses, nor suggests "controlling both the metering points and the charging points using predefined rules," as discussed above with respect to the rejection of claim 10. Claim 25 is thus submitted to be allowable, for at least those reasons discussed above with respect to the rejection of claim 10. Withdrawal of the rejection of claim 25 is earnestly solicited.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all of claims 10-25 are allowable over the cited references. Allowance of all claims 10-25 and of this entire application is therefore respectfully requested.

Finally, if there are any formal matters remaining after this response, the Examiner is

Application Serial No. 10/566,718
Amendment after final filed August 7, 2008
Reply to final Office Action mailed June 16, 2008

invited to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: August 7, 2008

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